

OCT 20 2016

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

David J. Bradley, Clerk

McALLEN DIVISION

UNITED STATES OF AMERICA

V.

CRIMINAL COMPLAINT

Aaron Richard Madero

PRINCIPAL

Case Number:

YOB:

1994

M-16-1963 -M

United States

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about October 19, 2016 in Hidalgo County, in the Southern District of Texas defendants(s) did,
(Track Statutory Language of Offense)

knowing or in reckless disregard of the fact that Francisco Javier Garcia-Banda, citizen and national of Mexico, along with two (2) other undocumented alien, for a total of three (3), who had entered the United States in violation of law, did knowingly transport, or move or attempts to transport said alien in furtherance of such violation of law within the United States, that is, from a location near Los Ebanos, Texas to the point of arrest near La Joya, Texas,

in violation of Title 8 United States Code, Section(s) 1324(a)(1)(A)(ii) FELONY
I further state that I am a(n) U.S. Senior Border Patrol Agent and that this complaint is based on the following facts:

On October, 19, 2016, at approximately 11:00 a.m., Border Patrol Agent T. Jimenez, responded to a call to assist La Joya Police Department officer at a vehicle stop. Upon arrival at the scene, Officer Arriaga from La Joya Police Department stated that he had stopped a 2004 Chevrolet Avalanche for speeding in a school zone and for failure to maintain a marked lane. Officer Arriaga also stated that the driver identified as Aaron Richard MADERO appeared nervous with his hands shaking when handing documents to him. Officer Arriaga also noticed that the bed of the truck was covered by a hard plastic layer impeding the view into the cargo area. Aaron Richard MADERO gave consent to search his truck. During the search, the officer opened the tail gate and found three subjects hiding in the bed of the truck. Officer Arriaga requested Border Patrol assistance and issued a warning to MADERO for the traffic violations.

SEE ATTACHED

Continued on the attached sheet and made a part of this complaint:

☒ Yes ☐ No

Approved to File:


 AUSA

Signature of Complainant

Sworn to before me and subscribed in my presence,

October 20, 2016

Date

3:41 pm

at

Francisco Sanchez Senior Patrol Agent

Printed Name of Complainant


McAllen, Texas

City and State

Peter E. Ormsby

, U. S. Magistrate Judge

Name and Title of Judicial Officer


 Signature of Judicial Officer

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
McALLEN, TEXAS**

ATTACHMENT TO CRIMINAL COMPLAINT:

M-16- 19163 -M

RE: Aaron Richard Madero

CONTINUATION:

Agent Jimenez determined that the driver Aaron Richard MADERO was a United States citizen and the other three passengers were in the United States illegally.

Additionally, Agent Jimenez stated that the three subjects in the bed of the truck were sweating profusely and noticed they appeared affected by the lack of air and hot temperature inside the bed of the truck. Agent Jimenez also stated that the three subjects told her that there was no way for them to get out of that compartment. The three illegal aliens claimed they had been locked in for approximately twenty minutes.

All subjects were placed under arrest and transported to the Border Patrol Station.

PRINCIPAL STATEMENT:

Aaron Richard MADERO, a United States citizen was advised of his Miranda Rights and agreed to provide a sworn statement without an attorney present.

MADERO stated a subject approached him some time back and offered him a job transporting illegal aliens. MADERO accepted the job and was going to be paid \$200 USD per illegal alien. MADERO also claims that he has successfully transported illegal aliens before and this is the first time he gets arrested. MADERO finally stated that he was going to transport the aliens to an unknown place in McAllen, Texas.

MATERIAL WITNESS STATEMENT:

Francisco Javier GARCIA-Banda, a citizen of Mexico, was advised of his Miranda Rights and agreed to provide a statement without an attorney present.

GARCIA stated that he paid 1,000 USD to be smuggled into the United States. He also stated that once in the United States a male subject driving a dark gray pick-up truck showed up to pick him up. GARCIA indicated that the male driver exited the pick-up truck and told him to get into the bed of the truck. Once he was in, the driver closed the cover and locked it. GARCIA finally stated that he was afraid for his life because he did not have any water, he could not get out, and the temperature inside the compartment was very hot.

Francisco Javier GARCIA-Banda identified Aaron Richard MADERO through a photo lineup as the driver of the dark gray pick-up truck.